

ZONING AND ADJUSTMENT BOARD

May 21, 2007

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, May 21, 2007, at 6:30 pm with the following members present: Larry Story – Chairman, Ron Berry, Frank Topping, Richard Cole, Nathan Yoder, Woody Hill, Todd Brown, Frank Szczepanski and Brad Shepherd.

Marge Thies, Dossie Singleton and Bailey Cassels were absent.

Sandy Cassels - Secretary and Brad Cornelius - Planning Manager were present. Lee Hawkins - Zoning and Adjustment Board Attorney, was also present.

Chairman Larry Story called the meeting to order with Mr. Shepherd leading the pledge of allegiance and Mr. Berry leading the prayer.

Mr. Story presented the proof of publication.

Mr. Berry made a motion to approve the minutes from the May 7, 2007, meeting. Mr. Cole seconded the motion and the motion carried.

Mr. Cornelius requested the following cases be tabled until the June 18, 2007, Zoning and Adjustment (ZAB) meeting: T2007-0012, Wynonia Johnson, TUP for a care receiver's residence - T2007-0013, Thelbers Reasch - TUP for security, S2007-0010 - John & Brenda Curran, SUP for a home occupation for traveling vendors. These cases have code enforcement issues that need to be investigated further before being heard by the ZAB.

Mr. Cole made the motion to table the above cases until the June 18, 2007, ZAB meeting. Mr. Berry seconded the motion and the motion carried.

S2007-0006

New Life Christian Church – Medium Special Use Permit to allow a Church

Mr. Cole made the motion to remove this item from the table. Mr. Berry seconded the motion and the motion carried.

Mr. Chester, representative for the applicant, was present and requesting a Medium Special Use Permit to allow a Church. There were 12 notices sent, of the 12 notices sent, four (4) were returned in favor and one (1) was returned in objection. There were no objections from the audience. Mrs. Cassels read the letter objection into the record. Mr. Cornelius explained this Special Use Permit request was reviewed by the Development Review Committee (DRC), in which approval was recommended with conditions for road right-of-way dedication, obtaining the proper Southwest Florida Water Management District (SWFWMD) permit, and obtaining the proper permits from the Sumter County Public Works Department regarding driveway connections. Mr. Cole asked Mr. Chester where the proposed church would be placed on the property. Mr. Chester stated the Church would be placed approximately in the middle of the property.

Mr. Topping made the motion to approve of the Medium Special Use Permit. Mr. Cole seconded the motion and the motion carried.

SS2007-0006

Howard & N.J. Driggers – Small Scale Land Use Amendment on 0.48 acres MOL from Rural Residential to Commercial.

Howard Driggers, applicant, was present and requesting a Small Scale Land Use Amendment on 0.48 acres MOL from Rural Residential to Commercial. There were five (5) notices sent. Of the five (5) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Cornelius explained the parcel location consists of a mix of commercial, industrial, residential and vacant lands. Mr. Cornelius also explained this is an area of rapid growth with the annexations of Wildwood and The Villages in close proximity.

Mr. Topping made the motion to recommend approval of the Small Scale Land Use Amendment to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2007-0027

Howard & N.J. Driggers – Rezone 0.48 acres MOL from RR to CL (Light Commercial)

Howard Driggers, applicant, was present and requesting rezoning on 0.48 acres MOL from RR to CL (Light Commercial). There were five (5) notices sent. Of the five (5) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Cornelius explained the CL (Light Commercial) zoning is consistent with the surrounding properties.

Mr. Topping made the motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Brown seconded the motion and the motion carried.

R2007-0023

Randolph Lane – Rezone 9 acres MOL from RR5 & RR1 to RR1 & RR5

Randolph Lane, applicant, was present and requesting a rezoning on 9 acres MOL from RR5 & RR1 to RR1 & RR5. There were seven (7) notices sent. Of the seven (7) notices sent, none were returned in favor or in objection. There were no objections from the approved audience. Mr. Cornelius & Mrs. Cassels explained this rezoning request is to change a rezoning approved earlier this year in which the survey was done incorrectly. Therefore, the original rezoning was not what the applicant wanted. This rezoning request will reconfigure the lot lines and correct the previous rezoning.

Mr. Topping made the motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2007-0024

Mid Florida Properties, LLC – Rezone 35.50 acres MOL from a non-compliant RR5 & A5 to R6C.

Marty Dzuro, applicant, was present and requesting a rezoning on 35.50 acres MOL from a non-compliant RR5 and A5 to R6C to bring the property into compliance with the Future Land Use Map. There were three (3) notices sent. Of the three (3) notices sent,

none were returned in favor or in objection. There were no objections from the audience. Mr. Cornelius explained this property went through a large scale land use amendment in 2006 and was approved for High Density Residential. Mr. Cornelius also explained the developers are limited to 99 dwelling units. Mr. Brown asked Mr. Dzuro if this property would be deed restricted to allow conventional homes only. Mr. Dzuro stated it would be.

Mr. Topping made the motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2007-0025

Richard & Kelly Helms – Rezone 1 acre MOL from a non-compliant A5 to RR1C to complete a lineal transfer.

Richard Helms, applicant, was present and requesting a rezoning on one (1) acre MOL from a non-compliant A5 to RR1C to complete a lineal transfer. There were nineteen (19) notices sent. Of the nineteen (19) notices sent, three (3) were returned in favor and none were returned in objection. There were no objections from the audience. Mr. Topping asked Mr. Helms who the lineal transfer of property came from. Mr. Helms stated the lineal transfer was from his father-in-law to himself and his wife. Mr. Cole asked Mr. Cornelius if the lineal transfer meets the new lineal transfer requirements. Mr. Cornelius stated it complies with all of the lineal transfer requirements, including the Future Land Use Map is Rural Residential.

Mr. Topping made the motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2007-0026

Toni & Lawrence Lavigne, Jr. – Rezone 11.1 acres MOL from a non-compliant A5 & RR to RR5 & RR1.

Lawrence Lavigne, Jr. applicant, was present and requesting a rezoning on 11.1 acres MOL from a non-compliant A5 & RR to RR1 & RR5. There were nine (9) notices sent. Of the nine (9) notices sent, none were returned in favor or in objection. There were no objections from the audience. Mrs. Cassels and Mr. Cornelius explained the property consists of four (4) vested parcels of record and the applicant is proposing the creation of three (3) parcels by reconfiguring lot lines.

Mr. Topping made the motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Brown seconded the motion and the motion carried.

Mr. Cornelius explained the next five cases would be a recommendation for transmittal to the Florida Department of Community Affairs (DCA). Mr. Cornelius stated the first three (3) are for Large Scale Land Use Amendments and the remaining two (2) are for a change in text to the Comprehensive Plan.

CP-A2007-0001

Champagne Farm, Inc. – Large Scale Land Use Amendment on 234.6 acres MOL from Agricultural to Low Density Residential.

Gary Morrison, representative for the applicant, was present and requesting a transmittal to the Florida Department of Community Affairs (DCA) for a Large Scale Land Use Amendment on 234.6 acres MOL from Agricultural to Low Density Residential. There were four (4) notices sent. Of the four (4) notices sent, two (2) were returned in objection and none were returned in favor. There were no objections from the audience. Mrs. Cassels read the letters of objection into the record. Mr. Morrison explained the purpose of project to the Zoning and Adjustment Board (ZAB). Mr. Morrison explained there would be approximately 405 homes on the property, barns, meadows, horse training programs, and walking/jogging trails. Mr. Topping asked how far away the City of Wildwood is located from this property, in which Mr. Cornelius explained it is over two (2) miles. Mr. Cornelius also explained the City of Wildwood is annexing property very rapidly and would like to be able to utilize the well on this parcel. There was board discussion regarding the land use being changed to Rural Residential instead of Low Density Residential, the roads, and the Urban Development area (UDA).

Mr. Cornelius stated that Low Density Residential is required to be located within the Urban Development Boundary.

Mr. Cole asked Mr. Morrison what the minimum size of the residences would be. Mr. Morrison stated the residences would be between 1800 and 2500 square feet. Mr. Morrison also stated there would be a developer's agreement with the City of Wildwood for water and sewer.

Mr. Topping made a motion to recommend denial of the transmittal to the Board of County Commissioners due to it's inconsistency with the Sumter County Comprehensive Plan. Mr. Cole seconded the motion. The motion carried with a roll call vote: Frank Topping – aye, Ron Berry – aye, Brad Shepherd – aye, Richard Cole – aye, Woody Hill – aye, Nathan Yoder – aye, Todd Brown - nay, Frank Szczepanski – aye, Larry Story – aye.

CP-A2007-0002

Evan Merritt, Etal – Large Scale Land Use Amendment on 64.98 acres MOL from Rural Residential to Agricultural.

Steve Richey, attorney and representative for the applicant, was present and requesting transmittal to the Florida Department of Community Affairs (DCA) for a Large Scale Land Use Amendment on 64.98 acres MOL from Rural Residential to Agricultural. There were 22 notices sent. Of the 22 notices sent, two (2) were returned in favor and none were returned in objection. There were no objections from the audience. Mr. Richey explained the purpose of the land use change request is for a sand pit to support the adjacent roof tile manufacturing facility. There was board discussion regarding the adjacent properties and the roads.

Mr. Topping made a motion to recommend approval of the transmittal to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried unanimously.

CP-A2007-0003

Investment Capital Group/Rocco Development – Large Scale Land Use Amendment on 65 acres MOL from Rural Residential to Agricultural.

Steve Richey, attorney and representative for the applicant, was present and requesting transmittal to the Florida Department of Community Affairs (DCA) for a Large Scale Land Use Amendment on 65 acres MOL from Rural Residential to High Density Residential. There were 43 notices sent. Of the 43 notices sent, one (1) was returned in favor and 12 were returned in objection. Mr. Cornelius read the letters of objection into the record. Mr. Richey explained the developers of this property would have a developer's agreement with the City of Wildwood for water and sewer. There were objections from the audience. The audience members concerns were water, sewer, traffic, the school system and compatibility.

The board discussed density, road impacts, lot sizes, water, sewer, and the general growth in the area. There was particular concern regarding CR 121 and it's ability to accommodate the proposed traffic.

Mr. Topping made a motion to recommend denial of the transmittal to the Board of County Commissioners due to it's inconsistency with the Sumter County Comprehensive Plan. Mr. Cole seconded the motion. The motion carried with a roll call vote: Frank Topping – aye, Ron Berry – aye, Brad Shepherd – aye, Richard Cole – aye, Woody Hill – aye, Nathan Yoder – aye, Todd Brown - aye, Frank Szczepanski – aye, Larry Story – nay.

Other Business:

CP-A2007-0004 - Mr. Cornelius discussed the proposed amendment to the Traffic Circulation Element of the Sumter County Comprehensive Plan that will add a policy concerning construction and design standards of substandard local county maintained roads. Mr. Cole suggested removing the word "design" from the first sentence.

Mr. Topping made a motion to recommend approval of the transmittal for the proposed element to the Board of County Commissioners with the revision proposal by Mr. Cole. Mr. Szczepanski seconded the motion and the motion carried.

CP-A2007-0005 - Mr. Cornelius discussed the proposed Amendment Utilities Element to the Sumter County Comprehensive Plan that will reflect a change in solid waste management from composting to the operation of a transfer station.

Mr. Brown made a motion to recommend approval of the transmittal for the proposed element to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

Mr. Berry made a motion to adjourn the meeting at 9:15 p.m. Mr. Cole seconded the motion and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board